

Appl. No. 09/474,783  
Response Dated July 20, 2006  
Reply to Office Action of March 21, 2006

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REMARKS

Claims 1, 4-7, 9 and 12-25 are pending in the present application. Claims 1, 5-7 and 19 have been amended. Claims 22-25 have been added. Reconsideration and allowance of the pending claims are respectfully requested.

Claims 1, 4-7, 9 and 12-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,619,247 (Russo) in further view of USPN 4,945,563 (Horton). Applicants traverse and request reconsideration and removal of the rejection.

According to the MPEP, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Independent claim 1 has been amended to recite "the receiver comprising a data interface having an Internet Protocol (IP) data module to process a broadcast stream comprising IP encapsulated data." Independent claims 7 and 19 have been amended to recite "receiving broadcast content comprising Internet Protocol (IP) encapsulated data" and "processing the IP encapsulated data by extracting a descriptor embedded in the received broadcast content."

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Applicants submit neither Russo nor Horton teaches or suggests receiving broadcast content comprising Internet Protocol (IP) encapsulated data. As such, even if Russo and Horton could be combined, which Applicants do not admit, such combination would still fail to teach or suggest all the claim limitations. Furthermore, there is no suggestion or motivation to modify Russo and Horton to meet all the claim limitations. Namely, any proposed modification to Russo and/or Horton to meet all the claim limitations would render Russo and Horton unsatisfactory for their intended purposes. Additionally, Russo and Horton do not supply the requisite reasonable expectation of success. Accordingly, Russo and Horton are insufficient to establish a *prima facie* case of obviousness with respect to amended independent claims 1, 7 and 19, whether taken alone or in combination.

Applicants submit that independent claims 1, 7 and 19 recite novel features not shown by the cited references. Further, Applicants submit that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicants submit that claims 1, 7 and 19 are not anticipated nor rendered obvious in view of the cited references.

For at least the above reasons, Applicants submit that independent claims 1, 7 and 19 represent patentable subject matter and are thus allowable. Applicants further submit that claims 4-6, 9, 12-18, 20, and 21 are allowable by virtue of their dependency, as well as on their own merits. Removal of the rejection of claims 1, 4-7, 9 and 12-21 is therefore respectfully requested.

Claims 22-25 have been added. Applicants submit that claims 22-25 recite novel features not shown by the cited references. Further, Applicants submit that the above

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novel features provide new and unexpected results not recognized by the cited references.

Accordingly, Applicants submit that new claims 22-25 are not anticipated nor rendered obvious in view of the cited references.

It is believed that claims 1, 4-7, 9 and 12-25 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

Applicants do not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicants hereby reserve the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims.

The Examiner is invited to contact the undersigned at 724-933-9344 to discuss any matter concerning this application.

Respectfully submitted,

KACVINSKY LLC



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Under 37 CFR 1.34(a)

Dated: July 20, 2006

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